

Message Text

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ORIGIN VO-03

INFO OCT-01 SCA-01 ISO-00 NEA-10 CIAE-00 FBIE-00 INSE-00

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DEPARTMENT

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P 292311Z MAY 75

FM SECSTATE WASHDC

TO AMEMBASSY ISLAMABAD PRIORITY

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VISAS

E.O. 11652:N/A

TAGS:CVIS, PK

SUBJECT: IMMIGRANT VISAS FOR PAKISTANI DOCTORS

REF: ISLAMABAD'S 4734 AND 4560

1. VISA ELIGIBILITY NECESSARILY GOVERNED SOLELY BY LAWS
AND REGULATIONS OF UNITED STATES. IN THIS SENSE, REQUEST
FROM A FOREIGN GOVERNMENT THAT A GIVEN CLASS OR CATEGORY OF
APPLICANTS BE REFUSED VISAS COULD NOT BE COMPLIED WITH AS A
MATTER OF LAW. WHILE A GOVERNMENT CAN OBVIOUSLY IMPOSE
SUCH DIRECT DEPARTURE CONTROLS AS IT DEEMS FIT, THE VISA
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PROCESS MAY NOT BE UTILIZED AS AN ENFORCEMENT MECHANISM FOR
RESTRICTIVE EMIGRATION POLICIES OF OTHER GOVERNMENTS.

2. IN ACCORDANCE WITH ABOVE, IF AN ALIEN IS OTHERWISE ELIGIBLE TO RECEIVE A VISA, THE VISA MAY NOT BE REFUSED SIMPLY BECAUSE HE IS A DOCTOR. BY SAME TOKEN, CONSULAR OFFICER SHOULD NOT CONDUCT INQUIRY INTO AN ALIEN'S PROFESSIONAL STATUS UNLESS DIRECTLY GERMANE TO A GROUND OF INELIGIBILITY UNDER THE IMMIGRATION AND NATIONALITY ACT, NOR REQUIRE AN NOC IF AN ALIEN POSSESSES A VALID EXIT PERMIT.

3. WHILE A NONIMMIGRANT VISA SHOULD BE REFUSED TO A DOCTOR WHO INTENDS TO ADJUST STATUS AFTER ADMISSION TO U.S, SUCH

REFUSAL WOULD NOT BE PREDICATED UPON FACT THAT PROFESSION AS SHOWN AS SOMETHING OTHER THAN A DOCTOR IN HIS PASSPORT, BUT RATHER THAT AS AN INTENDING IMMIGRANT THE ALIEN IS NOT ENTITLED TO NONIMMIGRANT CLASSIFICATION. IN OTHER WORDS, SIGNIFICANCE OF ANY MISREPRESENTATION OF OCCUPATION AS MAY BE MADE TO A CONSULAR OFFICER LIES IN EVALUATION OF ALIEN'S INTENT AS IT RELATES NONIMMIGRANT ENTITLEMENT AND NOT IN ISOLATED FACT OF OCCUPATION ITSELF.
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